

REMARKS/ARGUMENTS

This Reply is being filed in response to a final Official Action on a Request for Continued Examination (RCE) for the above-identified, present application. The final Official Action of this RCE continues to reject all of the pending claims, namely Claims 1-7, 9 and 11-39, under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0086318 to Aubault, in view of U.S. Patent No. 6,157,982 to Deo, and further in view of U.S. Patent No. 6,449,695 to Bereznyi. As explained below, however, Applicants respectfully submit that Aubault is not prior art to the claimed invention. Accordingly, Applicants respectfully traverse all of the rejections of the pending claims. In view of the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application. Alternatively, as the remarks presented herein do not raise any new issues or introduce any new matter, Applicants respectfully request entry of this correspondence for purposes of narrowing the issues upon appeal.

As indicated above, the Official Action rejects all of the pending claims as being unpatentable over Aubault, in view of Deo, and further in view of Bereznyi. Applicants respectfully submit, however, that Aubault does not qualify as prior art to support a rejection of the claimed invention. In this regard, Aubault published on April 21, 2005, after the filing date of the present application (i.e., October 22, 2003); and therefore, Aubault does not qualify as prior art to the claimed invention under 35 U.S.C. §§ 102(a) or (b). Aubault does claim priority to a PCT patent application filed before the filing date of the present application (i.e., December 5, 2002). But as that PCT patent application was not published in the English language, Aubault also does not qualify as prior art to the claimed invention under 35 U.S.C. §§ 102(e). And as Aubault does not qualify as prior art under §§ 102(a), (b) or (e), and as none of the other subsections of § 102 apply, Applicants respectfully submit that Aubault cannot properly be cited in support of an anticipation rejection of the claimed invention under 35 U.S.C. § 102, and accordingly, in support of an obviousness rejection of the claimed invention under 35 U.S.C. § 103.

As Aubault is disqualified as prior art to support a rejection of the claimed invention under 35 U.S.C. § 103, Applicants respectfully submit that the rejection of Claims 1-7, 9 and 11-

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39 under 35 U.S.C. § 103(a) as being unpatentable over Aubault, in view of Deo, and further in view of Bereznyi is overcome.

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CONCLUSION

In view of the remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues. As explained above, no new matter or issues are raised by this Reply, and as such, Applicants alternatively respectfully request entry of this Reply for purposes of narrowing the issues upon appeal.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Andrew T. Spence
Registration No. 45,699

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111
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